

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Approved Minutes Thursday March 26, 2020**  
**Meeting was conducted through Zoom Teleconference**

Chairwoman Susan Johnson called the meeting to order at 4:05 p.m.

**Present:** Committee member attendees: Susan Johnson, Chany Ockert, Richard Michaud, Lou McGuire and Shelley Gonzales; absent was Jerry Sorensen. Public: 9 members; Flathead Planning and Zoning: Erick Mack

The agenda was approved, as corrected (m/s, L. McGuire/S Gonzales), unanimous.

Minutes of the February 27, 2020 meeting were approved, as corrected (m/s, L. McGuire/C. Ockert), unanimous.

**Administrator's Report and Announcements:**

For this meeting there was electronic sign in via Zoom. Approved minutes and documents are posted on the County website: [flathead.mt.gov/planning\\_zoning](http://flathead.mt.gov/planning_zoning). Click on [meeting information](#).

Gonzales presented the status of most recent applications:

FZC 20-02 – JJN Holdings was approved unanimously by the Planning Board as submitted by Planning and Zoning.

Gonzales stated that this meeting is being audio and video recorded via Zoom teleconference.

**Public Comment:**

Shelley Gonzales thanked the members of BLUAC for taking the initiative to find an alternative way to have this meeting, without getting any guidance from the county, to ensure that the community of Bigfork had the opportunity to weigh in on the land use applications. Bigfork's opinions matter and they need to be heard.

**Application:**

**FCU-20-01** A request by Ranger Springs Inc., for a conditional use permit to operate a Camp and Retreat Center to allow for a community accessible farm for people to engage in farm chores and activities on property located at 6810 and 6840 Highway 35 within the Bigfork Zoning District. The property contains approximately 465 acres.

**Staff Report:**

Erick Mack presented the staff report. The applicant will use the existing buildings and not construct any new buildings. Uses will include a museum, historic equipment, farming activities for special needs children. The application also includes the opportunity to hold large events. One new agency comment, not included in the staff report, was from the County Health Department stating that the proposed use must comply with County Health Department regulations and licenses for water and sewage. There have been 12 public comments received, 11 in favor of the application and one requesting more time to review the application.

Q. Johnson: How many entrances are there for this property? A. Mack: Most are agricultural accesses to get into the fields, but the main access would be off Highway 35 to the existing house.

Q. Gonzales: In the staff report on page 8, #3 Open Space it mentions "outhouses", are these outbuildings or true outhouses? A. Mack: The application states that there are outhouses at the corals, shops and homestead.

Q. Gonzales: Do you think the County Health Department will allow the continued use of the outhouses? A. Mack: I doubt they would be allowed going forward. The public would use the bathroom facilities in the house.

Q. Michaud: In the staff report on page 4, and at the bottom of page 2, when having large events, will there need to be a Conditional Use Permit (CUP) for each large event? A. Mack: In AG-40, for a Camp and Retreat, one of the CUP uses allows for outdoor recreation. The applicant might have one or two large events a year. BLUAC and the Board of Adjustment could put conditions on the CUP to limit the number of uses and/or people.

**Applicant Report:**

Doug Averill stated that a Camp and Retreat center is the closest thing the county offers in this zoning to allow us to provide children an opportunity to come in for the day to experience how a farm field is plowed, learn about hydroponics, soil conditions, livestock, community garden. This project is an educational concept on one of the original farms in the valley. The project has been established as a 501(c)3 charitable foundation. The first two years of this project will be to improve the buildings and farming conditions.

Q. Johnson: Is this the property where you hold the Spartan Races? A. Averill: No, this is an entirely separate property and we are not intending to move the Spartan Races to this farm property.

Q. Johnson: If you had large events would the public use the outhouses? A. Averill: No, portable facilities would be brought in.

Q. Ockert: Do you plan on using the property to hold weddings? A. Averill: The Flathead Lake Lodge has done over 600 weddings, and this is not something we want to do at this location; it is not our focus.

**Public Agency Comments:**

None

**Public Comments:**

Bill Naumann-134 Vista Dr., Bigfork. How will occasional events be defined? Is there a legal definition of occasional events and do they need to be applied for individually? Living next to the property we are not interested in concerts or a lot of noise or parking problems.

Jill and Mike Stuart-620 Ramsfield Rd., Bigfork. Our property is on the west side adjacent to the subject property. Ranching on the property has been unprofitable and philanthropic activities would not generate enough revenue to sustain operations, therefore there would need to be large public events. How would large public events impact the neighboring residents?

George Naumann-134 Vista Dr., Bigfork. Our concern is that the property will become an event center for concerts, rodeos and endurance events. What assurances are there that this will not happen without having to go through additional zoning changes? There are 43 acres for parking, how can we be assured that there will not be large events? We have no objections to the farming aspects.

**Staff Reply:**

Erick stated that as far as assurances for large events, conditions to the application could be added by BLUAC to limit the number and size of events and impacts on the land.

**Applicant Reply:**

Regarding occasional events from Bill Naumann: Averill stated that staff asked how many areas can be defined for parking. Parking could occur on about two-thirds of the property, but it is planned for around the buildings and out of sight. The Bigfork Rodeo group has contacted us to see if the rodeo can be moved there and we can probably accommodate that.

Regarding large events from Stuart: Philanthropic activities have the potential to support renovations on the property. Example, the "Week of Hope" scheduled in June is for terminally ill children. All donations received are in excess of any

revenue amount the event could generate. This application will benefit the community and help retain open space and allow the property to function as it has historically. This is no guarantee that this will be a success.

Regarding large events from George Naumann: I think this was addressed in the last question. Starting up another event center is not feasible right now. There could be speaking events regarding agriculture. Flathead Lake Lodge could have their guests utilize the property for education programs. We cannot guarantee the future and we need to look at everything to keep the project afloat, even if it means we must host the Bigfork Rodeo for two days each year. I do not think that would be a big impact. We will do the best we can to make it the nicest place in the valley, embrace farming and not offend our neighbors.

Regarding the MDT letter: There are 8 entrances to the property, 5 of which are off county roads at the back of the property. MDT states there is one entrance from Highway 35. George Darrow, the prior owner, wanted 3 commercial entrances and there are three 60-foot-wide paved entrances from Highway 35.

#### **Committee Discussion:**

Michaud is concerned about large public events and there is a need to identify an event size limitation and make that a condition to the application.

McGuire asked staff to assist BLUAC with direction on writing additional conditions for events like rodeos. Are other events such as concerts or political events allowed under the current zoning or will the applicant be required to obtain permits for such events? Mack replied that under Camp and Retreat Centers outdoor recreation is permitted. BLUAC could put a limit on number and size of events to reduce the impact. The rodeo would be a permitted use without any further review.

Johnson asked if we should limit the large event size by the number of cars allowed on the property and could there be concerts. Mack stated that the Camp and Retreat Center allows for convention halls, so a concert could be done.

Ockert reviewed the 501(c)3 tax-exempt requirement letter with the committee. What a public charity is permitted to do dictates how they operate and how they can accept donations and generate earned income. Earned income would be from events and the sale of goods. In this case goods would be the sale of hay to Flathead Lake Lodge. Based on the type of charitable entity that has been set up by the applicant, it lends itself more for donations than for large scale events.

Michaud stated that the intended educational use of the property is excellent, however the applicant is already considering having the rodeo and other events.

Ockert discussed the requirements of a tax-exempt 501(c)3 public charity.

McGuire asked Mack if the requested CUP transfers with the sale of the property and Mack replied in the affirmative.

The committee continued to discuss how to quantify large scale events and what might be the limit of the number events. Ockert appreciated the applicant keeping open space on the property and that there were 10 letters of support for the application.

Under Conditions of Approval, the committee added the following:

#16. As a condition of this permit, Paladin Conservancy, Inc. shall limit profit-generating events with attendance of more than 1,500 people to not more than two events per year. Moved Ockert, second Michaud, approved unanimously.

#17. This Conditional Use Permit shall terminate upon transfer of title to the property from Paladin Conservancy, Inc. to any other owner. Moved Ockert, second McGuire, approved unanimously.

### **Findings of Fact:**

Ockert moved to approve the Findings of Fact, second McGuire, approved unanimously.

### **Committee Discussion and Vote:**

There was no further committee discussion. Ockert moved to forward a recommendation to approve FCU 20-01 to the Board of Adjustment with the submitted Conditions of Approval to include new conditions number 16 and number 17, second by McGuire, approved unanimously.

\*This application was originally scheduled to be reviewed by the Board of Adjustment on April 7, 2020 but has been delayed until May or June of 2020.\*

### **Application:**

**FPP-20-04** A request by Louwania Pickavance for preliminary plat approval of Ridgeview Park, a proposal to create five (5) commercial lots on approximately 5.31 acres. The subdivision will be served by Bigfork Water & Sewer District. Access to each lot would be off Ridgeview Parkway via Highway 82.

**Staff Report:**

Erick Mack presented the staff report. This is a 5-lot commercial subdivision that was originally submitted in 2006, but the final plat was never completed. The property is zoned B-3. There are four agency replies with no concerns and the MDT reply states that there needs to be a new approach permit. It appears the current approach permit is adequate as it is for a 5-lot subdivision. There are no public comments to date.

Q. Johnson: The application states concerns regarding the bike path, please comment. A. Mack: The applicant will construct the bike path as per the original final plat. (see Condition #17)

Q. Ockert: Some of the reports related to the original application conflict with this application, will there be updated reports? A. Mack: There need to be updated letters from USPS and Bigfork Fire Department, etc. before final plat.

Q. Ockert: Will the approach permits be reviewed as the traffic count from the original application is different from this application? A. Mack: A condition can be added to the approval requiring a new approach permit from MDT.

Q. Gonzales: Could the approach permit have expired because the project never went forward? A. Mack: Yes.

Q. Ockert: Did you discuss with the applicant the possibility of putting employee housing with the commercial buildings? A. Mack: We have not, but in B-3 zoning a conditional use for duplexes and multifamily housing in a mixed-use building is an option.

Q. Gonzales: On page 8, f. Recreation of the staff report it states that this proposal is a 2-lot residential subdivision. A. Mack: Yes, that is a typo and it will be corrected.

Q. Gonzales: On page 16, Condition #10, it talks about house numbers. A. Mack: The term house numbers is a generic term for the address.

Q. Ockert: On the Road Maintenance Agreement, the wrong highway is listed, highway 83 and it should be highway 82. Does the applicant need to address this? A. Mack: So noted.

Q. Gonzales: The Design Memorandum is dated 1-2007, with all the changes does that memorandum need to be updated? A. Mack: The applicant must take the documents to DEQ for approval. DEQ could require an update before final plat.

Q. Johnson: Have you looked at signage? A. Mack: That is not something we look at for a subdivision.

Q. Gonzales: On page 7, Finding of Fact #4, it says "each lot has legal," legal what? A. Mack: That should read "legal access,". That needs to be corrected.

Q. McGuire: Finding of Fact #1 needs correction for wording regarding irrigation.

**Applicant Report:**

Mark Herman stated that the final plat was not completed after the property owner's husband died. We have an interested buyer for the bowling center and interested buyers for lots in the subdivision.

Q. Michaud: Is it the intent of the owner to sell the property for commercial or development? A. Herman: Commercial, as it is zoned B-3.

Q. Ockert: Would the buyers be open to providing employee housing? A. Herman: That has not been discussed with preliminary buyers.

Q. Ockert: Could you discuss employee housing with potential buyers? A. Herman: Absolutely

Q. Ockert: Will there be any type of common look to the development? A.

Herman: Nothing is in place now but that is something developers would want.

**Public Agency Comments:**

None

**Public Comments:**

None

**Staff Reply:**

None

**Applicant Reply:**

None

**Committee Discussion:**

None

**Findings of Fact:**

Ockert moved to adopt the Findings of Fact, with additional motions for Finding #1 and #4, second Michaud.

Ockert moved to amend Finding of Fact #1 by deleting the word "there" at the beginning of line three. Motion was second by Gonzales, approved unanimously.

Ockert moved to amend Finding of Fact #4, to add the word "access" after legal on line 3 and add the following sentences from paragraph C 2:

"Impacts to the existing transportation network are anticipated. The 2008 completed approach permit from the Montana Department of Transportation stated

a review would be required based on the types of businesses. As this will be a change in use of an existing access the owners will need to obtain a new approach permit approved by the MDT. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses. If the volume of vehicles per hour is high enough, then the approach permit will go through MDT's systems impact analysis in Helena. A Traffic Impact Study may be required to determine if mitigation is needed for traffic impacts to adjacent highways." Motion was seconded by Gonzales, approved unanimously.

Gonzales moved to adopt Findings of Facts, as amended, second McGuire, passed unanimously.

Ockert moved to adopt the following Conditions of Approval:

#19. The applicant shall show proof of a completed new approach permit and, if deemed necessary, Traffic Impact Study, from the Montana Department of Transportation for the approach unto Highway 82, second by Gonzales, passed unanimously.

**Committee Discussion and Vote:**

There was no additional discussion. Ockert moved to forward a recommendation for approval to the Planning Board, with amended Findings of Fact and the addition of Condition of Approval #19, seconded by McGuire. Motion was approved unanimously.

\*This application was originally scheduled to be reviewed by the Planning Board on April 8, 2020 but has been delayed until May or June of 2020.\*

**Old Business:**

None

**New Business:**

None

**Adjourn:**

Ockert moved to adjourn and McGuire seconded. Meeting adjourned at 6:27 p.m.

Respectfully submitted,  
Shelley Gonzales, member and acting recording secretary